



Date: January 11, 2024

Mr. Anthony Doan, SBCC Council Chair
c/o Washington State Building Code Council

sent via email to Mr. Stoyan Bumbalov, Managing Director SBCC
cc: sbcc@des.wa.gov

*Comment regarding WSR 23-23-038 Family Home Childcare
WAC 51-51-0202 and WAC 51-51-0331.*

Chair Doan,

Please accept this letter as my public testimony for the January 12, 2024 State Building Code Council public comment meeting on the topic of Amendments to the 2021 International Residential Code to modify provisions for Family Home Childcare from the current maximum of 12 children to 16 children.

I support Option 2 for section R331.3. This option allows an exception to the sprinkler requirement based on code official approval and good exiting with direct access to grade. The same sprinkler exception is offered for daycares in the building code. The exception to IBC Section 903.2.6.1 waives an automatic sprinkler system in a commercial daycare (I-4 occupancy) when the occupant load is 100 or less, the daycare is located on the level of exit discharge and where every room where care is provided has not fewer than one exterior exit door.

I acknowledge there are more code requirements on buildings designed under I-4 provisions in the building code, so it is not exactly an apple-to-apples comparison. But conceptually, one could design a building code compliant family home daycare with 16 children in a single-family home and not be required to install sprinklers or a fire alarm.

An important requirement in the sprinkler exception proposal is that use of this provision is subject to approval by the local authority having jurisdiction (AHJ). The building and fire official in a jurisdiction may choose to permit use of this exception or not. The local AHJ may have concerns about fire department access to the site, water supply, the proposed daycare configuration, any number of reasons. This language allows them to say no to use of the sprinkler exception. Conversely, keeping this exception allows the code official to say yes to waiving sprinklers based on the site-specific layout and their judgment of the hazard. I am unable to comment on how often this exception would be approved in my jurisdiction, if at all. However, if this exception is not put into the code as an option, then it hinders the ability of the local code official to waive the sprinkler requirement based on their judgment.

Licensing rules require a yearly fire inspection (WAC 110-300-0170). It is typical for commercial childcare centers to get an annual inspection by the fire department (either local or state). The family home daycare gets inspected at initial occupancy and depending on the jurisdiction, may not get that an annual inspection. All licensed childcare also gets an annual inspection by DCYF. I am not saying the DCYF inspections are comparable to an inspection by the fire department, however licensing does require the provider annually demonstrate compliance with the fire and life safety provisions in the licensing rules. The provider must also demonstrate an evacuation time of 2 minutes or less.

The original licensing legislation (Senate Bill SB 5237) recognized the shortage of available childcare in this state. Family home childcare providers want to increase their capacity with the DCYF 13+ capacity waiver and want daycare projects reviewed using the residential code because the cost of complying with current code provisions or adding automatic sprinkler systems is prohibitive. For this reason and the reasons stated above, I encourage SBCC to maintain the sprinkler exception in Option 2 for section R331.3.

Whether the SBCC decides on keeping the sprinkler exception or not, I want to express my support of the overall package of code changes that is presented in this rule. And I also want to thank the combined Residential and Fire TAGs for their review of these changes and their valuable contributions in developing this code change.

Thank you for your consideration.

Sincerely,

Ardel Jala, PE
Building Official
Seattle Department of Construction & Inspections
Ph: 206.684.0573
Ardel.Jala@seattle.gov